

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYNE MATTHEWS,

Defendant.

CASE NO. CR01-442C

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on May 24, 2005. The United States was represented by Leonie Grant, the defendant was represented by Nancy Tenney for Paula Deutsch. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Unlawful Possession of Firearms on or about March 25, 2005. The Hon. John C. Coughenour of this Court sentenced Defendant to 12 months and 1 day of confinement, followed by 3 years of supervised release. Special conditions that were imposed included substance abuse, financial disclosure, no firearms, search, 180 days CCC and shall not possess any urinalysis tampering device.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

ALLEGED VIOLATIONS AND THE DEFENDANT'S ADMISSION

USPO Steven Gregoryk alleged that the defendant violated the conditions of supervised release in two respects:

- (1) Using cocaine on or about May 16, 2005, in violation of standard condition No. 7;
- (2) Failing to fully participate in a community corrections program for a period of 180 days, in violation of the special condition of supervision requiring the defendant to reside in a CCC program for a period of 180 days.

At today's hearing, I advised the defendant of these charges and of his constitutional rights. The defendant admitted to both violations, and waived any hearing as to whether they occurred. Both parties have consented to having the matter set for a disposition hearing before the Hon. John C. Coughenour.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of his supervised release as alleged; and set the matter for a disposition hearing.

Defendant has been detained pending a final determination by the court.

DATED this 27th day of May, 2005.

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MONICA J. BENTON

United States Magistrate Judge

cc: Sentencing Judge : Hon. John C. Coughenour
Assistant U.S. Attorney : Leonie G.H. Grant
Defense Attorney : Paula Deutsch
U. S. Probation Officer : Steven R. Gregoryk